

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA, INC.,)	
)	
Plaintiffs,)	No. 1:11-cv-08808
)	
v.)	Judge Steven C. Seeger
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG MARKETERS,)	
INC., CAL-MAINE FOODS, INC., and)	
ROSE ACRE FARMS, INC.)	
)	
Defendants.)	

**PLAINTIFFS' MOTION TO RECONSIDER AND RENEWED MOTION FOR REMOTE
TESTIMONY**

Plaintiffs respectfully move the Court to reconsider its prior ruling (Dkt. 396) based on additional information and to permit remote testimony of a former Nestlé employee, Mr. Steven Feyman as originally requested on October 23, 2023. (Dkt. 395.) In support of this Motion, Plaintiffs state as follows:

1. On October 23, 2023, Plaintiffs filed a motion requesting that the Court permit the remote testimony of Mr. Feyman. (Dkt. 395.) The Court denied that motion in a minute entry order on October 24, 2023, on the grounds that Plaintiffs failed to show good cause or compelling circumstances that would justify remote testimony. (Dkt. 396.)
2. Plaintiffs have had discussions with Mr. Feyman to procure his live testimony or, in the alternative, present designations from his prior deposition testimony.
3. On November 2, 2023, Plaintiffs informed the Court that Mr. Feyman was not intending to travel to Chicago for live testimony. After conversation with the Court, counsel for Plaintiffs spoke with Mr. Feyman and inquired further about the circumstances surrounding his

refusal to travel by airplane to Chicago. During that conversation, Plaintiffs' counsel first learned of an underlying medical condition that was a reason for Mr. Feyman not wanting to travel to this district to testify and might justify remote testimony. As a result of that conversation, Mr. Feyman provided a supplemental declaration, filed under seal, attached as Exhibit A to this motion.

4. The Plaintiffs believe the facts contained in this supplemental declaration establish good cause and compelling circumstances, which justify remote testimony. *See* Fed. R. Civ. P. 43(a).

5. Plaintiffs respectfully request that this Court reconsider its ruling on the Motion for Remote Testimony and permit Mr. Feyman to testify remotely.

November 3, 2023

Respectfully submitted,
***Counsel for Plaintiffs Kraft Foods Global, Inc.,
General Mills, Inc., Nestlè USA, Inc. and The
Kellogg Company***

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